

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GLENN QUANTZ,

Plaintiff,

v.

GARY EDWARDS, NEIL McCLANAHAN,
RAY HANSEN, DAN KIMBALL, BRAD
WATKINS, PAUL COUNTS, THURSTON
COUNTY, WILLIAM "BILL" KENNY and
DEFENDANT DOES 1 through 5,

Defendants.

Case No. C04-5737RJB

ORDER

This matter comes before the Court on Defendants Gary Edwards and Dan Kimball's Motion to Dismiss based on Plaintiff's Abandonment or Failure to Prosecute Diligently Pursuant to Local Rule 16. Dkt. 129. The Court has reviewed all documents filed in support of and in opposition to this Motion, has reviewed the entire file, and is fully advised.

I. BACKGROUND AND DISCUSSION

Defendants Gary Edwards and Dan Kimball move the Court to dismiss this matter with prejudice because of Plaintiff's failure to serve his draft of the Pretrial Order in accordance with the amended scheduling order (Dkt. 48). Dkt. 129. Plaintiff's draft was due on January 7, 2006. Dkt. 48. Plaintiff served defendants with his draft of the Pretrial Order on January 11, 2006. Dkt. 135-2.

1 The Court may sanction parties for failing to obey a scheduling order. Local Civil Rule
2 16(n); Local General Rule 3. Plaintiff's service of his draft order four days late does not warrant
3 dismissal of the case. Defendant's Motion should be denied.

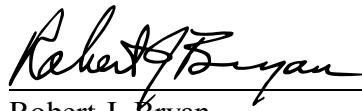
4 **II. ORDER**

5 Therefore, it is hereby

6 **ORDERED** that Defendants Gary Edwards and Dan Kimball's Motion to Dismiss based
7 on Plaintiff's Abandonment or Failure to Prosecute Diligently Pursuant to Local Rule 16 (Dkt.
8 129) is **DENIED**.

9 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
10 to any party appearing *pro se* at said party's last known address.

11 DATED this 23rd day of January, 2006.

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14 Robert J. Bryan
15 United States District Judge
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